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AUTHOR Spitzer, Craig E.; Davis, James H.
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ABSTRACT

Mock juror beliefs about rape and rape trials were collected prior to presentation of a videotaped rape trial. These pretrial biases significantly and reliably predicted post trial juror opinions and jury verdicts. The bias variables, however, accounted for relatively little of the variance in the dependent variables. Questions are raised concerning social implications of these influence effects. (Author)

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The Effects of Juror Bias on Judicial Decisions

Craig E. Spitzer & James H. Davis
University of Illinois

A fundamental assumption of the American system of justice is that the judges or jurors who decide the innocence or guilt of persons accused of crimes, base these decision on the facts presented. That is, our judicial system assumes that, whatever the pretrial biases of jurors may be, these biases will not arise and decisions will be made only from the evidence presented. In this philosophical model of the judicial process, all citizens should be equally good judges of the merits of a case, and, hypothetically, interchanging one set of jurors for another should not alter the jury's judgment of the guilt or innocence of the defendant. The voir dire is designed to remove those who cannot or will not adhere to these principles, but it would be a rare professional or layman who believed that the procedure is always successful. That sets of jurors are not interchangeable is supported by the observation that not all verdicts are identical even under highly refined and controlled conditions. For example, in our laboratory at the University of Illinois we have shown videotaped trials to hundreds of mock juries, and have subsequently observed a variety of decisions, rationales, etc., despite quite constant conditions.

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Trial lawyers also sense that the makeup of juries may affect their verdicts. In the "Camden 28" case, for example, the prosecutor used a preemptory challenge to eliminate a potential juror who, though otherwise apparently suitable, had previously served on a jury that acquitted a suspected bank robber. The prosecutor made the inference that this juror could have had a bias favorable to defendants and thus might bias the outcome in an unfavorable direction.

Another example of a prosecutor's concern about the effects of pretrial bias comes from the "Harrisburg 8" case. During this trial, the prosecutor introduced information about a juror's involvement in anti-war demonstrations. Once again, the prosecutor felt that such behavior might reflect a pro-defense bias on the part of a juror, and would in turn influence that juror's interpretation of the evidence.

Defense attorneys have shown even greater concern about juror's pretrial biases than their prosecution counterparts. There have been several proposals dealing with techniques and selection procedures for overrepresenting juries with individuals who are likely to be favorable to one's case. The work of Kairys, for example, systematically instructs defense attorneys on techniques for sampling community opinions inferring what types of citizens (male or female, black or white, etc.) would be most likely to be favorable jurors.

Despite concern shown about pretrial bias in jurors, there has been a notable lack of empirical research addressing the existence and extent of juror bias effects. Our goal here is to report some preliminary results concerning the question of the relation between members' pregroup opinions and mock juror opinions and jury verdicts.

For the past few years we have been involved in a series of studies that focus on the mock jury. Our typical experimental design involves asking subjects upon arrival to individually answer some general questions about rape and rape trials. Later, they view a videotaped enactment of a rape trial, after which they randomly form mock juries to deliberate and render a verdict on guilt of the defendant. Typically, our major experimental interest involves testing whether factors like jury size, assigned decision rule, judges' instructions, etc., affect the distribution of verdicts in the different juries and whether these variables affect the social decision schemes used by these juries. The present analysis, however, addressed data aggregated over experimental conditions and across experiments. The question of pretrial bias, as we characterize it here, became a salient concern only after the research was underway, although we had providently included opinionnaires with the intention of exploring later the general relationships we now address. We report here data from two large samples of mock juries, 834 subjects in one and 659 in the other.

Before the trial began all jurors were asked to rate the physical difficulty they believed was involved in committing the act of rape, and how justified they thought most rape charges were. Following the presentation of the trial, all subjects were asked their opinion concerning the guilt or innocence of the defendant, and they were again asked for a personal guilt judgment following the jury deliberations. Jury verdicts were recorded for all groups in the first sample and for one-half of the groups in the second sample.

This research extended over two semesters, and, although all subjects viewed the same trial and received the same instructions from the judge, there were some differences in the procedures in the jury room for the different groups of subjects. These differences involved how publicly accountable the jurors felt they would be for their decisions, and whether or not they were required to record individual opinions from minute to minute as the deliberations progressed. I will not go into the differences in any detail here, since the differences between studies appeared to have little or no effect on the results with which we are concerned. Moreover, the details of procedure and results will be reported elsewhere.

For each sample a multiple regression equation was constructed to predict predeliberation individual opinions as to the defendant's guilt from the pretrial

bias questions responses. These results are presented in the table on the handout. Note that in both samples predeliberation guilt preferences were accurately predicted from the pretrial bias scores. This association as reflected by the multiple correlation coefficients was highly significant. (The probability of this prediction accuracy given a null hypothesis of no relation was less than 1 in 1000.) Note also that the direction and magnitude of the regression coefficients are similar across samples.

A second multiple regression equation was constructed for each sample to predict post deliberation individual guilt preferences from the pretrial bias scores. These data are also presented on the handout. Again, the multiple correlations were significant (probability < .001), and again the direction and magnitude of the regression weights were consistent across samples.

To further test the stability and reliability of the weights we obtained for our predictors, double cross validation procedures were employed. As to be expected, the multiple correlations in all four cross validations were smaller than the mathematically optimal multiple correlations of the original regressions. However, in all cases the predictions using the cross validation weights were significant at the .001 level. The cross correlations also appear on the handout.

Due to the fact that not all juries in the second sample were required to reach verdicts, a regression equation predicting jury verdicts from the pretrial bias items was constructed for the first sample only. In this case, a simple sum of member bias scores was used as an index of overall bias in the juries. We found that the simple sum of responses to the question on the general justification of rape charges was not significantly correlated with jury verdicts, but a regression of the simple sum of the scores on the physical difficulty of rape question could significantly predict jury verdicts ($p < .05$).

Although all regression equations significantly and reliably predicted juror opinions and jury verdicts, the value of R^2 indicated that the percentage of variance accounted for by the relationship was slight. In fact, in no case did the value of R^2 exceed 10%.

These results indicate that pretrial biases, as we have defined them, are significantly associated with posttrial opinions and verdicts. This means that very general response predispositions, formed well in advance of and independently of the specific testimony of our mock trial, are correlated with and seem likely to be one of the motivating forces behind the formation of opinions and verdicts of our jurors and juries.

These findings seem, at first glance, to be mitigated by the R^2's we obtained for the various prediction equations. At no time did the percent of variance accounted for by these prediction equations exceed 10%. These R^2 values could lead us to conclude that, although we were able to reliably predict opinions and verdicts at better than chance levels, most of what determined the jurors' decisions were due to factors other than pretrial biases, i.e., the juror's interpretation of the specifics of the case.

However, it must be noted that the inclusion of the particular pretrial questions asked was not determined by any rigorous item selection procedure. We included these items basically to add realism to our mock jurors' experience and to help in motivating our subjects as well as providing us with some general information. It was only a post hoc decision to analyze these data testing for correlations between pretrial biases and juror decisions. We maintain that, although our intuition seemed to do well in tapping, at least partly, the biases of our jurors, a more systematic approach is desirable for studying the question of jurors' pretrial bias. Concomitant with development of a more complete picture of juror's pretrial biases we feel would be predictions that account for greater proportions of the variance in juror opinions and jury verdicts.

In view of these results, we undertook a study, now in its final stages, where we composed juries by grouping jurors with similar pretrial biases, but we do not have any results to report from this investigation at this time.

In conclusion, we have shown that in our mock trial situation measures of jurors' pretrial biases could be used to predict at better than chance levels both individual juror opinions and jury verdicts. Although the percent of variances these measures accounted for was slight, it is felt that more systematically chosen bias measures could better predict pre- and postdeliberation opinions and jury verdicts.

These results have implications for our judicial system. If these biasing effects occur in real trials, we would be doing all parties to jury trials an injustice if we did not completely investigate this matter and make available to all parties the information regarding these effects. The problem also arises that the more wealthy defendants, those possessing the resources to support investigations to determine who would make favorable jurors, will have yet another advantage in the courtroom. However, these latter questions are more societal and legal rather than social-psychological, and thus, debate on these problems must wait for a more appropriate forum.

Response	Statistic	Sample 1 (N=834)	Sample 2 (N=659)
Predeliberation guilt judgment	b_1	.180	.148
	b_2	-.178	-.127
	R^2	.072	.044
	F	32.32***	14.71***
Cross validation	R^2	.043***	.042***
Postdeliberation guilt judgment	b_1	.101	.152
	b_2	-.167	-.072
	R^2	.043	.032
	F	18.55***	10.54***
Cross validation	R^2	.019***	.026***
Jury verdict	R^2	.041	--
	F	5.92*	--

*($p < .05$)
***($p < .001$)

Standardized regression coefficients, squared multiple correlation coefficients, and F ratios for regressions predicting pre- and post verdict individual guilt judgments and jury verdicts. Individual pretrial responses (predictors) concerned (Item 1) justification of rape charges and (Item 2) the physical difficulty of committing rape. Cross validation squared multiple correlation coefficients are also presented for each judgment in each sample.